



U.S. DEPARTMENT OF  
**ENERGY**

**TITLE IX COMPLIANCE REVIEW**

**ARIZONA STATE UNIVERSITY**

**Graduate Electrical Engineering  
Program**

*Fiscal Year 2009*

# TITLE IX COMPLIANCE REVIEW REPORT

## Arizona State University Graduate Electrical Engineering Department

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# **TITLE IX COMPLIANCE REVIEW REPORT**

## **Arizona State University Graduate Electrical Engineering Department**

### **I. Introduction**

The Office of Civil Rights and Diversity (OCRD), United States Department of Energy (DOE or the Department), conducted a Title IX compliance review of the Graduate Electrical Engineering (EE) Department at Arizona State University (ASU) pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and the Department's implementing regulations, 10 C.F.R. Part 1042. This report is based on a review of records and other data provided by the University, information obtained from the University's website, and information obtained by an OCRD review team during an on-campus site visit in April 2009. During the onsite visit, the review team held interviews with students and faculty of the Graduate Electrical Engineering Program, the Director of the Office of Diversity, and other University administrative officials.

#### **A. Objective**

The objective of the review was two-fold: (1) to determine whether students in the Graduate Electrical Engineering Department, regardless of their sex, had equal access to opportunities and benefits offered by the Graduate Electrical Engineering Department; and (2) to identify and report on promising practices for promoting gender equity.

#### **B. Scope**

The period of review includes the academic years 2004-2005, 2005-2006, 2006-2007, and 2008-2009. The review involved an evaluation of the University's Title IX policies, procedures, and practices, including the University's grievance process, as well as the role of the Title IX Coordinator in implementing and enforcing Title IX requirements. The Department also evaluated and analyzed the following programs and practices of the University, as they relate to the Graduate Electrical Engineering (EE) Program: (a) recruitment and outreach; (b) admission and retention; (c) teaching assistantships, research assistantships, and fellowships; and (d) campus safety. In addition, the Department evaluated the academic environment, and inquired into whether there were any pending sexual harassment complaints and whether sexual harassment training had been offered to students, faculty, and staff.

#### **C. Background**

DOE oversees many scientific research programs, and is a primary Federal funding agency for basic research and development in the sciences at institutions of higher learning. This research supports thousands of principal investigators, and graduate and post-doctoral students.

Title IX and DOE implementing regulations (10 C.F.R. Part 1042) prohibit discrimination on the basis of sex in any educational program or activity that receives Federal financial assistance. These laws require that the Department conduct reviews of grantee institutions to ensure that they are in compliance with the prohibition against sex discrimination.

In July 2004, the Government Accountability Office (GAO) issued a report (GAO Report Number 04-639) in which it reviewed compliance activities of the four Federal science agencies (the Department of Energy, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration). The GAO found that the science agencies had taken significant steps to ensure that the institutions to which they provide financial assistance are in compliance with Title IX. However, the GAO also found that women were not fully represented in those institutions.<sup>1</sup> Therefore, the GAO recommended that science agencies conduct post-award monitoring to ensure that sex discrimination is not a factor preventing women from pursuing degrees in science at institutions receiving federal financial assistance.

The passage of the America COMPETES Act, Pub. L. No. 110-69, 121 Stat. 573 (2007), in August 2007, provided additional impetus for conducting compliance reviews. This Act directs the Secretary of Energy to report to the congressional energy committees on the actions taken by the Department to implement the recommendations in the GAO report. The Act also requires DOE to conduct at least two compliance reviews per year of institutions to which it provides funding.

## II. The Graduate Electrical Engineering Program

### A. Student Population

Eight hundred sixty-two students were enrolled in the Graduate Electrical Engineering Program at Arizona State University at the beginning of the 2008-2009 academic year.<sup>2</sup> Of those, 724 were males (468 full-time and 256 part-time) and 138 were females (93 full-time and 45 part-time). Fifty-six students were interviewed during the April 2009 on-site visit.

Table 1A, below, shows the number and percentage of full-time male and female students enrolled in the Graduate Electrical Engineering Program for the 2004-2005 to 2008-2009 academic years. Table 1B shows the number and percentage of part-time male and female students enrolled in the Graduate Electrical Engineering Program for the same period.

**Table 1A: Full-time Graduate Electrical Engineering Student Enrollment**

Full-time Students	Total	Male		Female	
2004-2005	397	330	83%	67	17%
2005-2006	413	351	85%	62	15%
2006-2007	442	374	85%	68	15%
2007-2008	594	489	82%	105	18%
2008-2009	561	468	83%	93	17%

<sup>1</sup> Similarly, a 2005 report of the American Institute of Electrical Engineering Statistical Research Center, which examined physics programs at institutions of higher education, found that in 2003, women earned only 22% of the Bachelor of Science degrees in physics, and only 18% of the Doctor of Philosophy degrees in physics. The study also found that women represent approximately only 10% of the faculty in degree-granting physics departments of the nation's colleges and universities.

<sup>2</sup> This number represents full-time and part-time graduate students in the Masters, Master in Science Engineering, and PhD programs.

**Table 1B: Part-time Graduate Electrical Engineering Student Enrollment**

Part-time Students	Total	Male		Female	
2004-2005	161	133	83%	28	17%
2005-2006	183	155	85%	28	15%
2006-2007	216	178	82%	38	18%
2007-2008	269	231	86%	38	14%
2008-2009	301	256	85%	45	15%

## **B. Faculty**

ASU's Graduate Electrical Engineering Department had 57 faculty members during the 2008-2009 academic year, of whom 8 were females and 47 were males.<sup>3</sup> Eleven faculty members, including the Chair of the Electrical Engineering Department, were interviewed during the on-site visit. Twelve administrators were also interviewed.

## **C. Outreach, Recruitment, and Recruiting Incentives**

### **1. Outreach and Recruiting Events**

ASU's Graduate Electrical Engineering Department outreach and recruitment activities are limited. The Graduate Electrical Engineering Department hosts an annual recruitment day and invites the top PhD candidates, who were already admitted to the program, to visit the campus.

Most students interviewed indicated they were not recruited by ASU's Graduate Electrical Engineering Department; most of the students interviewed indicated they applied for admission because of ASU's reputation and/or because they knew students who were already in the program. However, it should be noted that at least one member of the Administration mentioned that Engineering Department actively recruits high school students and shows them that there are female faculty in Engineering for support. This same Administrator indicated that her staff works with EE, with respect to providing tours and/or bringing people to campus.

### **2. Recruiting Incentives**

Although not considered recruiting bonuses, *per se*, Teaching Assistantships, Fulton Fellow awards, Science Foundation of Arizona (SFAZ) awards, Achievement Rewards for College Scientists (ARCS) awards, University Graduate Scholar/University Graduate Fellow (UGS/UGF) awards are offered on a competitive basis by the Graduate Electrical Engineering Department. Some are restricted in various ways (e.g., only available to U.S. citizens). These awards are fixed amounts, and the awardees are chosen based upon the GPA and reputation of the previous schools attended. Many of the awards are restricted to U.S. PhD students, and there is a preference for PhD over Master's students.<sup>4</sup> The breakdown of prospective students offered recruiting incentives is shown in Table 2 below:

<sup>3</sup> DOE was unable to determine the sex of two faculty members in the Graduate Electrical Engineering Department.

<sup>4</sup> A review of ASU's Responses to DOE's Data Requests, shows that some prospective students are offered a combination of incentives from these sources, as well as Research Assistantships and Teaching Assistantships.

**Table 2: Percentage of Prospective PhD Students Offered Recruiting Incentives**

	# of Male PhD Applicants Offered Recruitment Incentive	% of Full-Time Male PhD Admitted Applicants Offered an Incentive*	# of Female PhD Applicants Offered Recruitment Incentive	% of Full-Time Female PhD Admitted Applicants Offered an Incentive*
2004-05	26	20%	3	13%
2005-06	35	29%	2	7%
2006-07	36	29%	2	8%
2007-08	33	23%	4	10%
2008-09	32	26%	3	19%

\*Admission numbers are taken from Table 3C in Section II.(D) below.

An analysis of the numbers in Table 2 shows that approximately 20%-29% of the males that were offered admission into ASU's Graduate Electrical Engineering Department were also offered a recruiting incentive, while only 7%-19% of the females who were offered admission were offered recruiting incentives.

### **Finding**

We find no evidence of a Title IX violation in determining which prospective students are offered a recruiting incentive, because the incentives are offered based on neutral criteria – the student's GPA and the reputation(s) of the schools previously attended. However, an analysis of the numbers shows that females are less likely to receive a recruiting incentive offer than males. Thus, although the Graduate Electrical Engineering Department has a facially neutral policy when determining who to extend recruitment incentives to, females are adversely impacted in this regard.

### **Recommendation**

A contributing cause of the disparate impact suffered by prospective female students may be the fact that the Graduate Electrical Engineering Department only looks at two neutral factors when determining those to whom a recruiting incentive should be offered. Therefore, the DOE suggests that the Graduate Electrical Engineering Department consider other, or additional, neutral factors in making its decision to extend recruiting offers.

## **D. Admissions**

### **1. The Admissions Process**

ASU has three graduate degree programs in electrical engineering; a Master of Science (MS), a Master of Science in Engineering (MSE), and a Doctor of Philosophy (PhD.). The primary difference between the MS and MSE is that the MS is a research degree culminating in a thesis and the MSE is a professional degree with no thesis requirement. The admission criteria for entry into the Master's programs are somewhat different than the criteria for entrance into the PhD program.

#### **a. Master's**

To be eligible for admission into a master's program in electrical engineering at ASU, students must have earned a bachelor's degree from a program accredited by the Accreditation Board of Engineering and Technology (ABET). A minimum requirement is an undergraduate grade point average of 3.0 (out of 4.0) in the student's last two years of undergraduate work. A student whose undergraduate degree is not from an ABET-accredited program must have the equivalent of at least a 3.5 grade point average in the last two years of undergraduate study, score at least 720 on the quantitative portion of the Graduate Record Examination (GRE), and obtain a good score on the writing portion.<sup>5</sup> Prospective students are required to have specific mathematics and physics course credits as a prerequisite for admission.<sup>6</sup> A student whose undergraduate degree is not in electrical engineering may need to take appropriate undergraduate courses to establish a baseline of knowledge in the discipline.

Regular admission to the program will usually be granted to students who meet the above admission requirements and have six or fewer hours of undergraduate deficiencies. Students who marginally meet the admissions standards or who have more than six hours of deficiencies may be admitted provisionally at the discretion of the department.

Most master's students will be admitted as MSE candidates, and only those candidates who receive financial support, or who show research potential, will be admitted directly to the MS program. However, students who want to pursue the MS degree may seek out a faculty member in their areas of interest to act as their advisor. With the advisor's approval, the student may then switch from the MSE to the MS program.

#### **b. PhD**

In general, a student must have at least a 3.0 grade point average (out of 4.0) in all undergraduate course work and at least a 3.5 grade point average in all graduate course work for admission to the PhD program. Applicants from programs that are not ABET-accredited must have the equivalent of a 3.6 grade point average and must submit scores from the GRE general test. High scores on the Quantitative and Writing portions of the GRE are required. In addition, a student must usually hold a master's degree before being admitted to the PhD program.<sup>7</sup> Students whose previous degree was not in electrical engineering may be required to take additional course work to compensate for any deficiencies and to ensure adequate preparation for the PhD program.

Applicants who do not have a master's degree in electrical engineering, but who have a grade point average of 3.6 or better from an ABET-accredited electrical engineering undergraduate program, may still be eligible for ASU's electrical engineering PhD program. However, an admitted student may be placed in a program called "The Direct PhD" program, first. The Direct PhD program provides students without a master's degree, an opportunity to earn a "Masters in Passing" (MIP) degree in electrical engineering. The degree awarded for the master's in passing is the MS degree. Upon completion of a MS degree, the student will begin the PhD program.

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<sup>5</sup> There is also an English proficiency minimum requirement for International student applicants.

<sup>6</sup> The mathematics and physics course prerequisites are found in the Blue Graduate Student Guide of the Department of Electrical Engineering.

<sup>7</sup> There is also an English proficiency minimum requirement for International student applicants.

To receive a MIP degree, the following conditions must be met:

- Most students must have an initial regular admission into the PhD program in electrical engineering. Students transferring from the master's degree into the PhD degree can apply a maximum of 12 credit hours towards the MIP.
- The student must have a planned master's program of study approved by the supervisory committee and the department.
- The culminating experience will be the same as the department's PhD Qualifying Exam. The student must complete a research paper and make an oral presentation covering the research. The supervisory committee will grade the paper and the oral on a pass/fail basis.
- The student must completed 10 courses (30 hours minimum) of academic course work, as in the present MSE requirements. In addition, the student must achieve a grade point average of 3.0 or better in all work taken for graduate credit and in all work included on the program of study. All grade requirements established by the Graduate College and the Ira A. Fulton School of Engineering must be met.

A majority of the students who were interviewed described the admissions process as a "standard process." Most of the students interviewed stated they applied online, and submitted an application form, GPA, test scores, and letters of recommendation. In addition, most of the students interviewed said they did not believe anything in their admission experience was unfair or gender-biased.

Administrators and faculty members interviewed stated that there is not an Admissions Committee *per se* for the Graduate Electrical Engineering Department. The Graduate Electrical Engineering Department consists of seven "subject matter areas," each of which has an "Area Committee" tasked with reviewing the applicants' qualifications and determining who to recommend for admission. The area committees obtain a spreadsheet from the Graduate College, which contains the applicants' information. The committees review the applications, and recommend those applicants to whom an offer of admission should be made. Members of these committees indicated that they generally look at an applicant's GPA and GRE first, and then consider letters of recommendations, graduate instruction, and English proficiency. The University indicated in its written responses that in addition to an applicant's GPA and GRE score, an applicant's previous school work and the ranking of prior schools attended by the applicant are considered. The University also stated that an applicant's sex is not weighed as a factor when determining whether or not to grant admission, nor are there numerical limitations on the admission of applicants. The Electrical Engineering Department forwards its recommendations for admission to the Graduate College for consideration. The Graduate College then makes the final decision on whom to admit.

## **2. Admissions Statistics**

Tables 3A, 3B, and 3C, below, show the number (and percentages) of male and female students who applied, were admitted, and ultimately enrolled into ASU's graduate electrical engineering programs.

**Table 3A: MS Applicants, Admissions, and Enrollment per Academic Year**

Master of Science					
	Applied	Admitted		Enrolled	
	#	#	% of App	#	% of Adm
<b>2004-05</b>					
Female	87	4	5%	4	100%
Male	345	17	5%	11	65%
Unknown	7	0	0%	0	0%
<b>2005-06</b>					
Female	65	2	3%	2	100%
Male	278	16	6%	13	81%
Unknown	5	0	0%	0	0%
<b>2006-07</b>					
Female	16	2	13%	0	0%
Male	55	14	25%	9	64%
<b>2007-08</b>					
Female	11	5	45%	2	40%
Male	34	20	59%	8	40%
<b>2008-09*</b>					
Female	14	5	36%	3	60%
Male	41	11	27%	5	45%

**Table 3B: MSE Applicants, Admissions, and Enrollment per Academic Year**

Master of Science in Engineering					
	Applied	Admitted		Enrolled	
	#	#	% of App	#	% of Adm
<b>2004-05</b>					
Female	77	61	79%	20	33%
Male	246	200	81%	72	36%
Unknown	2	1	50%	0	0%
<b>2005-06</b>					
Female	113	73	65%	23	32%
Male	412	293	71%	117	40%
Unknown	2	1	50%	0	0%
<b>2006-07</b>					
Female	234	97	41%	44	45%
Male	962	374	39%	145	39%
<b>2007-08</b>					
Female	232	138	59%	60	43%
Male	1140	654	57%	259	40%
Unknown	1	1	100%	0	0%
<b>2008-09*</b>					
Female	254	72	28%	22	31%
Male	1098	324	30%	121	37%

**Table 3C: PhD Applicants, Admissions, and Enrollment per Academic Year**

Doctor of Philosophy					
	Applied	Admitted		Enrolled	
	#	#	% of App	#	% of Adm
<b>2004-05</b>					
Female	62	23	37%	6	26%
Male	300	131	44%	50	38%
Unknown	14	1	7%	0	0%
<b>2005-06</b>					
Female	51	28	55%	9	32%
Male	253	122	48%	57	47%
Unknown	2	0	0%	0	0%
<b>2006-07</b>					
Female	75	26	35%	6	26%
Male	322	129	40%	47	36%
<b>2007-08</b>					
Female	70	40	57%	14	35%
Male	272	142	52%	52	37%
<b>2008-09*</b>					
Female	63	16	25%	3	19%
Male	366	123	34%	51	41%

\* The 2008-09 admissions statistics are based on enrollment as of January 16, 2009.

While there were significantly fewer females than males admitted to ASU's graduate electrical engineering programs, an analysis of the numbers shown in Tables 3A, 3B, and 3C above, do not show a disparity between the percentage of males admitted and the percentage of females admitted. On average, 20% of the females that applied to the MS program and 24% of the males that applied to the MS program were admitted. Likewise, on average, 54% of the females that applied to the MSE program and 56% of the males that applied to the MSE program were accepted. Finally, on average, 42% of the females that applied to the PhD program and 44% of the males that applied to the PhD program were accepted. Thus, the statistics show that on average, males were admitted only 2-4% more often than females to one of ASU's graduate electrical engineering programs.

### Finding

Based on the admissions statistics provided by the University, we find no disparity between the percentage of females and males admitted into ASU's graduate electrical engineering programs. Thus, we find that the Graduate Electrical Engineering Department is in compliance with Title IX in regard to the admissions process.

### E. Retention, On-Leave Status, and Re-Entry

Graduate electrical engineering students may voluntarily withdraw from a graduate program when medical or personal difficulties make it impossible to continue classes or complete assignments. Known as a "medical/compassionate withdrawal," this withdrawal typically

excuses a student from all classes for the semester. To receive consideration for approval for medical/compassionate withdrawal, a student must present proper documentation of the medical condition or other personal situation. The designee of the college of the student's major has the authority to approve or disapprove medical/compassionate withdrawal requests.

### **1. Master's**

Master's students must be continuously registered. If one or two semesters are skipped, then the student must submit a re-entry application. If more than two semesters are skipped, then the student must reapply for admission. All work toward a master's degree must be completed within six consecutive years. The six years begins with the semester and year of admission to the program.

### **2. PhD**

Doctoral students must be continuously registered. If a semester is skipped, then the student must reapply for admission. A doctoral student who interrupts a program without obtaining leave status will be automatically removed by ASU's Graduate College. If removed, the student may reapply for admission.

Doctoral students must complete all program requirements within a ten-year period. The ten-year period starts with the semester and year of admission to the doctoral program. In addition, a student must defend his or her dissertation within five years after passing the comprehensive examinations. Therefore, the maximum time limit is the shortest of the following:

- Time period since initial enrollment (10 year time limit)
- Time period after passing the comprehensive exams (5 year time limit)

Any exceptions must be approved by the supervisory committee and the Graduate College dean, and ordinarily involves repeating the comprehensive examinations. ASU's Graduate College may withdraw students who are unable to complete all degree requirements and graduate within the allowed maximum time limits.

### **Table 4A: Re-Entry**

Table 4A below shows the number of students who withdrew from one of ASU's graduate electrical engineering programs, and the number of students who applied for re-entry. It also shows whether or not re-entry was granted.

		Master of Science			MS in Engineering			Doctor of Philosophy		
	M/F	Applied	Admit	Denied	Applied	Admit	Denied	Applied	Admit	Denied
2004-05	F				3	3	0			
	M	1	1	0	7	7	0	1	1	0
2005-06	F	2	2	0	4	4	0	2	2	0
2006-07	M	2	2	0	9	9	0	1	1	0
2007-08	F				5	4	1			
	M	1	1	0	17	17	0	2	2	0
2008-09*	F				3	3	0			
	M				20	18	2	2	2	0

\*The 2008-09 admissions statistics are based on enrollment as of January 16, 2009.

Data provided by the University indicates that there were 82 applicants for re-entry to one of ASU's graduate electrical engineering programs. The table above shows that three (3) applicants were not re-admitted into the Graduate Electrical Engineering Department at the time the Graduate Electrical Engineering Department provided its responses. The University explained that these students were removed because they either failed to register for one semester or were not in good standing. One of the three students has since been granted re-entry because he was in good standing.

### Finding

The Department finds that the withdrawal and re-entry policies of the Graduate Electrical Engineering Department are facially neutral and that there is no evidence of disparate treatment or disparate impact related to these policies. The Department also finds that the time limit policies for completion of an MS or PhD degree are facially neutral, and there is no evidence of disparate treatment or disparate impact related to these policies. Thus, we find that ASU's Graduate Electrical Engineering Department is in compliance with the provisions of Title IX.

**Table 4B: Attrition Rates by Degree**

Table 4B below, shows the attrition rates of male and female graduate electrical engineering students for academic years 2004-2005 through 2007-2008.

			Total # of Students	Did Not Return to EE Major Following Academic Year	Did Not Return to EE Major as of 2008-09	Percentage of Students Who Did Not Return to EE Major as of 2008-09
<b>2004-05</b>						
	MS					
		Female	27	6	5	18.5%
		Male	81	6	4	4.9%
	MSE					
		Female	45	5	4	8.9%
		Male	164	26	22	13.4%
	PhD					
		Female	23	2	2	8.7%
		Male	218	13	11	5.0%
<b>2005-06</b>						
	MS					
		Female	19	1	1	5.3%
		Male	72	6	6	8.3%
	MSE					
		Female	43	9	9	20.9%
		Male	199	30	27	13.6%
	PhD					
		Female	28	5	4	14.3%
		Male	235	22	21	8.9%
<b>2006-07</b>						
	MS					
		Female	12	0	0	--
		Male	88	8	8	9.1%
	MSE					
		Female	70	7	7	10.0%
		Male	246	18	16	6.5%
	PhD					
		Female	24	3	3	12.5%
		Male	218	11	10	4.6%
<b>2007-08</b>						
	MS					
		Female	10	2	N/A	N/A
		Male	89	7	N/A	N/A
	MSE					
		Female	99	9	N/A	N/A
		Male	413	40	N/A	N/A
	PhD					
		Female	34	5	N/A	N/A
		Male	218	27	N/A	N/A

For the academic years reviewed, the female attrition rate for MS students ranged from zero to 18.5%, while the male attrition rate ranged from 4.9% to 9.1%. On average, 7.9% of female MS students withdrew from the major and did not return, and 7.4% of male MS students withdrew from the major and did not return. It took females an average of 2.7 years to complete the MS degree, while it took males an average of 2.75 years.

The attrition rate for female MSE students ranged from 8.9% to 20.9%, while the attrition rate for males ranged from 6.5% to 13.4%. On average, 13.3% of female MSE students withdrew from the major and did not return, and 11.2% of male MSE students withdrew from the major and did not return. It took females an average of 2.5 years to complete the MSE degree, while it took males an average of 2.6 years.

The attrition rate for female PhD students ranged from 8.7% to 14.3%, while the attrition rate for males ranged from 4.6% to 8.9%. On average, 11.8% of female PhD students withdrew from the major and did not return, and 6.2% of male PhD students withdrew from the major and did not return. It took females an average of 4.6 years to complete the PhD degree, while it took males an average of 4.5 years.

### **Finding**

We note that the attrition rate for female PhD students is significantly higher than the attrition rate for male PhD students. However, we find no evidence to suggest that disparate treatment was a contributing cause of the disparity in attrition rates. The Department finds no evidence of gender disparity in the length of time it took males and females to complete electrical engineering graduate degrees. We, therefore, find that ASU's Graduate Electrical Engineering Department is in compliance with Title IX in this regard.

### **Recommendation**

The Department suggests that ASU's Graduate Electrical Engineering Department conduct a self-evaluation to discover why female PhD candidates withdraw more frequently from the degree than male PhD candidates. In the event that a finding of gender bias is made, the Graduate Electrical Engineering Department should take appropriate action to correct the disparity.

## **F. Financial Assistance**

### **1. Teaching and Research Assistantships**

The Graduate Electrical Engineering Program provides various forms of financial assistance to students. Financial assistance is generally provided in the form of a teaching assistantship (TA), research assistantship (RA), and/or fellowship.

No specific policy or procedure is used to determine the type and amount of funding for research projects/groups. Faculty members propose their own projects and seek research funding through the Office of Sponsored Projects.

There is no formal method or criteria by which students are selected for assignment to research groups. Typically, a student indicates his or her interest in a particular research area to the faculty member heading the research project, or a student applies in response to an open position announcement. Faculty members control and direct the selection of students to research groups. The students who were interviewed during the on-site visit indicated they felt there was no gender-bias in the process of assigning students to research groups.

Table 5A, below, shows the total number of teaching assistantships and research assistantships awarded to graduate electrical engineering (EE) students for the academic years 2004-2005 through 2008-2009. Over the five-year period, males comprised 84% of the overall graduate EE student population, while females comprised 16% of the overall graduate EE student population. During the same time period, teaching assistantships and research assistantships were generally awarded to male and female graduate EE students in proportion to their population size. For instance, from academic years 2004-2005 to 2008-2009, male graduate EE students were awarded 86% of teaching assistantships and female graduate EE students were awarded 14% of teaching assistantships. Over the same five-year period, male graduate EE students were awarded 87% of research assistantships, while female graduate EE students were awarded 13% of research assistantships.

**Table 5A: Distribution of Teaching Assistantships and Research Assistantships**

	Teaching Assistantships					Research Assistantships				
	Total	Male		Female		Total	Male		Female	
2004-2005	52	47	90%	5	10%	236	204	86%	32	14%
2005-2006	60	53	88%	7	12%	254	219	86%	35	14%
2006-2007	108	95	88%	13	12%	214	187	87%	27	13%
2007-2008	89	71	80%	18	20%	227	199	88%	28	12%
2008-2009	74	62	84%	12	16%	212	189	89%	23	11%

Note: The total number of students may be more than the total number of students enrolled, because some students may receive both a teaching assistantship and research assistantship.

## Finding

Although there are no set criteria for selection and/or assignments to research groups, the Department does not find a Title IX violation in the manner in which students are currently assigned to research groups. In addition, based on data provided by the University, the DOE does not see a significant disparity in the percentage of male and female students who received a teaching assistantship or research assistantship when compared to the percentage of male and female students enrolled in the graduate EE program.

## 2. Fellowships

Students generally apply for fellowships when announcements are made. Recipients are selected by the Area Committees.

Table 5B, below, shows the total number of fellowships awarded to graduate electrical engineering students for the academic years 2004-2005 through 2008-2009. During the five-year

time period, fellowships were generally awarded to male and female graduate EE students in proportion to their population size. As noted above, over the five-year period, males comprised 84% of the overall graduate EE student population, while females comprised 16% of the overall graduate EE student population. During the same five-year period, male graduate EE students were awarded 88% of fellowships and female graduate EE students were awarded 12% of fellowships.

**Table 5B: Distribution of Fellowships**

	Fellowships				
	Total	Male		Female	
2004-2005	15	12	80%	3	20%
2005-2006	25	23	92%	2	8%
2006-2007	40	36	90%	4	10%
2007-2008	31	26	84%	5	16%
2008-2009	25	23	92%	2	8%

### Finding

Data provided by the University does not show a significant disparity in the percentage of male and female students who received a fellowship, when compared to the percentage of male and female students enrolled in the graduate EE program. We, therefore, find that the Graduate Electrical Engineering Department is in compliance with Title IX in this regard.

### 3. Achievement Awards

The University identified one achievement award given to a graduate student based on the student's graduate studies and research.<sup>8</sup> The Palais' Outstanding Doctoral Student award is presented to the top graduating PhD student each year. Candidates must have a minimum GPA of 3.75 and at least one journal or conference publication. The award includes a plaque and a check for \$1,000. The recipient is chosen by a faculty selection committee from a list of nominees submitted by the student's advisor.

### Finding

We find the process for selecting a recipient of the Palais' Outstanding Doctoral Student award in compliance with Title IX.

### G. Thesis, Comprehensive Examinations, and Qualifying Examinations

As mentioned above, ASU's Electrical Engineering Department has three graduate programs: (1) the MS, which is a research degree requiring a thesis, (2) the MSE, which is a professional degree with no thesis, and (3) the PhD, which is a research degree requiring a dissertation. Each of these degrees has different "testing" requirements, discussed below, which provide the

<sup>8</sup> The University also identified an achievement award that is given as a recruitment incentive (ARCS). ARCS is offered as an achievement award to a prospective student for achievement in undergraduate work, and thus, is not included in this section.

Graduate Electrical Engineering Department an opportunity to ascertain whether Master's and PhD candidates demonstrate competency across a broad spectrum of core subjects.

### **1. MS Degree:**

Because the MS is a research degree, it requires a thesis. MS students are expected to select a 3-person advisory committee who will evaluate the student's thesis. Students enrolled in the MS program are expected to obtain a thesis advisor in their first semester of study. The advisor will also act as the chair of the student's advisory committee. The chair of the advisory committee must be a member of the electrical engineering program graduate faculty with endorse-to-chair approval. The advisor will help the student select the other two members of the advisory committee. Students are expected to form their advisory committee and have them approved by the Director of Graduate Studies as early as possible, but no later than the semester before graduation. MS students present a written thesis to the advisory committee for grading. The advisory committee also conducts a final oral examination, during which time a student defends his/her thesis. Students who pass both components of the thesis are given a grade of "Y." A student who does not pass may receive a failing grade of "E." Data gathered through interviews and the University's written responses to DOE's data requests, shows that all MS students who presented a thesis received a passing grade of Y.

### **2. MSE Degree:**

The MSE requires a final comprehensive examination, which is administered in the sixth week of a student's first semester. The examination consists of a written exam in the major area of study, and covers material through the master's degree level. The departmental area committee makes up the written exam.<sup>9</sup> The student must attempt seven questions out of a selection of 10 or more questions. A grade of 60% or more is required to pass this exam. Any student failing the comprehensive examination may petition the departmental area committee to take the exam a second time. Generally, if a student is in good standing, he or she will be permitted to take the exam a second time; however, there is no guarantee that a petition will be accepted. A third opportunity to take the examination is not permitted.

### **3. PhD**

#### **a. Qualifying Examination:**

Every student who wishes to pursue the PhD in electrical engineering must pass a Qualifying Examination. Because the PhD is primarily a research degree, the Qualifying Examination is designed to test the candidate's research skills and abilities. The exam consists of a written research paper and an oral presentation of the research.

During the first semester as a PhD student, the candidate is expected to select a supervisory committee. The chair of the committee is the faculty member who directs the student's research program. The chair will help the student select the remainder of the supervisory committee, which consists of the chair and at least four other faculty members whose interests lie in the

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<sup>9</sup> Faculty members in each area contribute questions for the exam. The faculty member who wrote the question grades that question. The names and sex of the exam-takers are not known by the graders.

student's planned area of study and research. The majority of the committee must be faculty whose tenure home is electrical engineering. The student and the committee chair select a topic.

The student must take the exam before the end of the second semester in attendance at ASU as a PhD candidate; failure to do so may result in removal from the PhD program. Students in the Direct PhD program can delay the Qualifying Examination until the semester in which they complete 30 hours.

The Qualifying Examination is graded on a pass/fail basis by the 5-member committee. A passing grade indicates that the committee believes the student is capable of doctoral research. Students who fail the exam will be removed from the PhD program. If a student does not wish to take the exam according to the above schedule, but wishes to continue in the program, he or she must petition the Graduate Committee for permission to take the exam at a later date. There is no guarantee that the Graduate Committee will approve such requests.

#### **b. Comprehensive Examination:**

A student must pass a comprehensive examination before being formally admitted to candidacy for the PhD. The examination is usually administered by the student's advisory committee after the student has essentially completed coursework. The exam consists of both a written and an oral component, and is designed to probe the depth of the student's knowledge in the area of specialization.

The written part of the exam requires a dissertation proposal. Each member of the PhD committee may test the student for a period of up to one day on subjects related to those appearing on the program of study and on those relating to the proposed dissertation.<sup>10</sup> In addition, a research paper may be required at the discretion of the supervisory committee.

The oral part of the exam will be administered no later than 7 days after the student has completed the last of the written exams. The oral exam includes presenting a defense of the dissertation proposal to the student's supervisory committee, and may include questions relating to preparation for the proposed research and coursework.

The student will be granted candidacy by the Graduate College immediately after passing the Comprehensive Examination.

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<sup>10</sup> The Graduate Electrical Engineering Department has informed us that it recently removed this portion of the PhD Comprehensive exam.

#### 4. Examination Pass Rates

**Table 6A: MS Oral Examination Pass Rates**

	# of First-Time Test Takers	Passed First Attempt
<b>2004-05</b>		
Female	7	7
Male	47	47
<b>2005-06</b>		
Female	6	6
Male	41	41
<b>2006-07</b>		
Female	12	12
Male	39	39
<b>2007-08</b>		
Female	4	4
Male	46	46

**Table 6B: MSE Comprehensive Examination Pass Rates**

Year	First-Time Takers		First-Time Pass Rates				Second-Time Takers		Second-Time Pass Rates			
	Male	Female	Male	%	Female	%	Male	Female	Male	%	Female	%
<b>2004-05</b>	46	13	38	83%	13	100%	6	2	6	100%	2	100%
<b>2005-06</b>	34	10	29	85%	8	80%	5	0	4	80%	0	--
<b>2006-07</b>	42	14	40	95%	12	86%	3	4	3	100%	4	100%
<b>2007-08</b>	44	12	42	95%	10	83%	0	0	0	--	0	--

\* Test results were not available for the 2008-2009 academic year at the time of the on-site visit.

Data provided by the University shows that for the years reviewed, 83% to 95% of male MSE students passed the Comprehensive Examination on the first attempt, whereas 80% to 100% of female MSE students passed the exam on the first attempt. The data shows that 80% to 100% of males who took the exam a second time passed, whereas 100% of the female students who took a second attempt, passed the exam. Students interviewed indicated they experienced or felt no gender bias in the exams or in their administration.

#### Finding

Data provided by the University shows that for the years reviewed, all of the MS students passed their oral examinations on the first attempt. An analysis of the data provided does not show a significant difference in either the first or second attempt pass rates between males and females who took the MSE Comprehensive Examination. The University indicated that all students who took the PhD Qualifying Examination during these periods passed the exam. We, therefore, find that the Graduate Electrical Engineering Department is in compliance with Title IX with respect to the administration of these examinations.

### **III. The Environment**

#### **A. Gender Bias/Sexual Harassment**

Most of the students interviewed said that one's sex did not affect any aspect of their studies. Faculty members also made similar statements.

#### **B. Campus Safety<sup>11</sup>**

The students, faculty, and administrators interviewed stated they generally felt safe on campus and in the Electrical Engineering Department. Students indicated that escort buses were available on campus, that they are kept apprised of criminal activity via a text-messaging system, and that campus police were visible on the premises.

#### **Finding**

The Department finds no evidence of disparate treatment or disparate impact in regards to campus safety. Both male and female graduate electrical engineering students indicated they generally felt safe and that the campus had safety measures in place. We, therefore, find that the University is in compliance with Title IX in this regard.

### **IV. Title IX Notice and Grievance Procedure Requirements**

Title IX requires educational institutions that are recipients of Federal financial assistance to develop and implement nondiscrimination policies and procedures, and to appoint a Coordinator for implementing and coordinating Title IX functions. The Department's implementing regulations, 10 C.F.R. Section 1042.140(b), require recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints that allege actions prohibited by Title IX. The U.S. Department of Justice (DOJ) recommends that grievance procedures include both an informal and a formal process, and that they provide complainants with information on their right to file a discrimination complaint with an appropriate Federal agency if there is no satisfactory resolution of the complaint.<sup>12</sup>

Pursuant to Title IX, each recipient of Federal financial assistance must notify students and employees of the name, office address, and telephone number of the employee or employees appointed to coordinate and administer its Title IX grievance process. This information should be disseminated through newspapers and magazines operated by the recipient, and by memoranda or other written communication distributed to each student and employee. A recipient is required to prominently include a statement of its policy of nondiscrimination on the basis of sex in each announcement, catalog, or application form that it makes available to students and employees or which is otherwise used in connection with the recruitment of students and employees. 10 C.F.R. Section 1042.135 to 140.

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<sup>11</sup> The Department conducted a review and analysis of campus safety features because it believes that females are more often the victims of violence than males. The intent of the Department is to determine whether campus safety features offer the same protection for females as they afford males.

<sup>12</sup> See *Title IX Legal Manual*, U.S. Department of Justice, Civil Rights Division (Jan. 11, 2001).

## **A. The Title IX Coordinator and the Office of Diversity**

The Office of Diversity (formerly known as the Office of Equal Opportunity and Affirmative Action) is identified by the University as the office responsible for performing Title IX compliance functions. The office is headed by an interim Director, who serves as the University's Title IX Coordinator.

## **B. Notice**

The Office of Diversity (OD) publishes a notice on its webpage, stating that discrimination on the basis of sex is prohibited. However, the notice does not mention Title IX or identify the University's Title IX Coordinator. The OD webpage provides a link to a staff directory where the Director is listed, but the directory does not identify the Director as the Title IX Coordinator.

The OD webpage also provides a link entitled, "Diversity Issues: Discrimination, Harassment, Disability." This link provides the University's policy statements on discrimination and sexual harassment. The link also provides guidance on the University's grievance procedures for filing a complaint of discrimination and sexual harassment. In addition, the link provides access to an online interactive sexual harassment training course. There is an additional link on OD's webpage entitled, "Applicable Laws." The link leads the reader to a well-developed webpage that lists the following information: the bases on which a discrimination complaint may be pursued; applicable discrimination laws; the context in which a discrimination law may be applicable; and the offices where one can file a complaint.

Administrators of the Electrical Engineering Department said that new students are oriented on Title IX complaint procedures. Title IX posters and flyers are conspicuously posted in buildings throughout the Electrical Engineering Department. However, most of the students and faculty, and some administrators who were interviewed, were unaware of the existence of the Title IX Coordinator, Title IX grievance procedures, or Title IX's prohibition against sex discrimination, except in the context of sports.

Some faculty members said that if they had a Title IX issue, they would consult with the Chair of the Electrical Engineering Department, the Dean of Students, or the Office of Diversity. A majority of the students interviewed indicated they would speak to their advisor or another faculty member, or search the University's website for information on how to file a Title IX complaint if the need arose.

## **Finding**

Title IX information is not reaching students or University personnel, despite the fact that the University has met the basic notice requirement of Title IX. Although the University has a Title IX Coordinator, his Title IX role is not clearly identified.

## **Recommendations**

We recommend that the name of the Title IX Coordinator be posted prominently and conspicuously on the University's webpage, together with the location of the Title IX Coordinator's office and the telephone number of that office. The University should also expand

its efforts at informing students of their rights under Title IX in educational programs (in addition to the athletic setting).

### **Promising Practice**

The Department commends the University on its efforts to educate individuals about discrimination prohibition, the University's discrimination policies, and where to file a complaint through various links found on the OD's webpage. The contents found within the links "Diversity Issues: Discrimination, Harassment, Disability" and "Applicable Laws" are well-developed and informative.

## **C. Title IX Grievance and Complaint Policies, Procedures, and Practices**

ASU has different procedures for filing sexual harassment and sex discrimination complaints. These procedures are found by clicking links on the OD's webpage entitled, "Procedures for Resolving Complaints of Unlawful Discrimination," and "Sexual Harassment," and are outlined below.

### **1. Sexual Harassment Grievance Procedures**

#### **Procedures**

An employee or student alleging sexual harassment may report the harassment or officially file a complaint. Allegations of sexual harassment must be made in good faith. The complainant shall determine which procedure(s) shall be used to address the allegation. Time frames identified in the procedures may be extended for good reason, such as when classes are not in session or upon mutual agreement by the parties to the report or complaint.

#### **Confidentiality**

The university shall protect the confidentiality of, the identities of, and statements made by, parties and witnesses involved in a sexual harassment report or complaint to the extent permitted by law and to the extent that continued protection does not interfere with the university's ability to investigate allegations of misconduct brought to its attention.

#### **Filing a Report of Sexual Harassment**

Filing a report is notification of concern about an individual's behavior believed to be harassing and will only result in an educational conference with the individual whose behavior is at issue. A report may be filed with:

1. an administrator with responsibility over the individual whose behavior is at issue
2. Student Life, if the alleged harasser is a student (Tempe campus 480/965-6547; West campus 602/543-8130; Polytechnic campus 480/727-3278), or

3. the Office of Diversity, Human Resources. The university Title IX Coordinator is the director.

This process allows the report filer to remain anonymous if she or he chooses. If the report filer wishes to make a report and have no action taken, the report filer must sign a statement indicating that she or he is requesting that no action be taken.

Before an educational conference is scheduled with the individual whose behavior is at issue, an administrator must consult with the director, Office of Diversity, Human Resources. The conference shall include: alerting the individual to the perception of harassment, providing a copy of the university policy prohibiting sexual harassment, encouraging attendance at an EO/AA sexual harassment workshop, and encouraging greater awareness of behaviors which may lead to perceptions of harassment. The conference must take place within 15 days of the receipt of the report.

### **Filing a Complaint of Sexual Harassment**

Employees and students may officially file an informal or formal complaint with the Office of Diversity, Human Resources. The complainant may decide whether the complaint will be handled under the informal or formal resolution process. The complainant may also change an informal complaint to a formal complaint at any time. If the alleged harasser or the complainant is a student or student organization and the alleged conduct occurs on university property, a complaint may be filed with the Student Life Office (Tempe campus, West campus, or Polytechnic campus). The initial complaint should be filed within 120 days after the individual knows or has reason to know of the alleged harassment or the failure to take appropriate action.

### **Informal Complaint**

This process does not require the complainant to file a written complaint and involves reaching a voluntary resolution of the complaint within 60 days of the receipt of the complaint. This process requires identification of the complainant and the allegation(s) to the respondent within seven days of the receipt of the complaint. It may involve an investigation, interviewing witnesses, and review of materials provided by one or both parties to the complaint. With the consent of the complainant, it may also involve resolution by a settlement agreement developed in lieu of or as a result of an investigation. When the evidence substantiates a violation of university policy, discipline up to and including suspension, termination, or expulsion from the university may be imposed in addition to any voluntary agreements.

### **Formal Complaint**

This process requires submission of the EO/AA Complaint Form (available from the Office of Diversity, Human Resources). The complaint will be shared with the respondent within seven days of receipt, and a written response is required from the respondent within 15 days of his or her receipt of the complaint. This process may

involve an investigation, interviewing witnesses, and review of material provided by one or both parties to the complaint. The formal complaint process will result in an investigative report with resolution recommendations submitted to the executive vice president and provost of the university/vice president/vice provost over the respondent within 90 days of receipt of the complaint by the Office of Diversity, Human Resources. The executive vice president and provost of the university/vice president/vice provost will accept, reject, or modify the recommendations and will provide written notification to the parties within 15 days of the report.

Complete complaint procedures are identified in Academic Affairs Manual, ACD 403, "Procedures for Resolving Complaints of Unlawful Discrimination." A copy of these procedures is also available in the Office of Diversity, Human Resources.

### **Board on Equal Opportunity Complaint Procedures**

If the complaint is not resolved to the complainant's satisfaction through the Office of Diversity, Human Resources processes, the complainant may request review by the ASU Board on Equal Opportunity (BEO). The complainant must complete and file a Request for Hearing form (which is available in the Office of Diversity, Human Resources) with the chair of the BEO within 30 days after receipt of notification from the Office of Diversity, Human Resources, that the resolution process is completed. Faculty may file a complaint directly with the BEO by submitting the Request for Hearing form to the chair of the Clearinghouse Committee within 30 days of the occurrence of the actions that form the basis of the complaint. If the BEO determines that the grievance falls within its jurisdiction, the hearing process will be initiated and completed within 60 days after the complaint was received by the BEO. Summer, vacation, holiday, and other academic leave periods are excluded from the 60-day period. The BEO will submit a written report to the president who will provide a written decision to accept, reject, or modify the recommendations to the parties within 45 days of receipt of the report. The BEO will proceed under the procedures of university policy, ACD 404, "Board on Equal Opportunity." A copy of these procedures is also available in the Office of Diversity, Human Resources.

### **Student Code of Conduct and Student Disciplinary Procedures**

When the sexual harassment complaint involves a student or student organization, a complainant may file a complaint by submitting a written referral stating the facts of the alleged harassment to the Student Life Office (Tempe campus, West campus, or Polytechnic campus). The Student Life Office may investigate, review documents, and/or interview witnesses as part of the resolution process. The Student Life Office shall determine whether a policy violation has occurred and determine any sanctions to be imposed within 60 days of the receipt of the referral.

## **Filing External Complaints**

In addition to, or as an alternative to the procedures set forth above, employees and students may file a complaint with an appropriate external investigatory agency, such as the Arizona Attorney General's Office, the Equal Employment Opportunity Commission, or the Office of Civil Rights of the Department of Education. Many agencies require that the complaint be filed within 180 calendar days of the last act of harassment or discrimination; the Equal Employment Opportunity Commission requires that the complaint be filed within 300 calendar days of the last act of harassment or discrimination.

## **2. Sex Discrimination Grievance Procedures**

### **Applicability**

This policy applies to current employees and enrolled students of ASU who believe they have been unlawfully discriminated against by another current employee or student of ASU. This policy is also applicable to individuals not employed or enrolled at ASU for complaints of discrimination based on disability under the Americans with Disabilities Act of 1990 (ADA). Only aggrieved parties as identified above may file complaints. Individuals may file complaints with an external agency, subject to the time limitations of the appropriate agency.

### **Policy**

It is a violation of ASU policy to discriminate against any employee or student on the basis of that individual's race, color, religion, national origin, citizenship, sex, gender identity, sexual orientation, age, disability, Vietnam-era veteran status, special disabled veteran status, other protected veteran status, newly separated veteran status, or any other unlawful discriminatory grounds. Complaints should be filed within 120 days of the last act of alleged discrimination. The director, Office of Diversity, Human Resources, may waive or extend this time frame for good cause such as holidays or times that classes are not in session.

An employee or student (or member of the public in cases of disability complaints) who believes he or she has been unlawfully discriminated against may discuss his or her concerns with the director or an assistant director of the Office of Diversity, Human Resources, file a report, and/or file a complaint of unlawful discrimination with the Office of Diversity, Human Resources. The Office of Diversity, Human Resources does not handle complaints involving denial of tenure, continuing status, and/or promotion; these discrimination complaints must be filed with the appropriate faculty/academic professional grievance body.

### **Right to File a Charge with a Federal or State Agency**

Persons alleging unlawful discrimination have the right to file a charge of discrimination with the Arizona Civil Rights Division (ACRD), Equal Employment

Opportunity Commission (EEOC), Office of Civil Rights (OCR), or Office of Federal Contract Compliance Programs (OFCCP) (as appropriate).

ACRD, OCR, and OFCCP charges must be filed within 180 days after the last date of the alleged discrimination. EEOC charges must be filed within 300 days after the date of the last act of discrimination.

In Arizona, the EEOC generally handles all charges of employment discrimination (except those involving veteran status) against ASU and its current employees and students. OCR accepts charges of discrimination not related to employment.

### **Suspension and/or Termination of ASU's EO/AA Procedures**

The director, with the consent of the president, may suspend these procedures under extraordinary circumstances or in the interest of fairness.

The Office of Diversity, Human Resources shall terminate the processing of a complaint when a grievance alleging unlawful discrimination is filed with an ASU grievance committee.

### **Prohibition of Retaliation**

Retaliation against a person who has filed a complaint is strictly prohibited. Any retaliatory action by instructors (including graduate assistants and faculty members), supervisors, managers, academic professionals, administrators, or other employees who have the authority to take adverse action against a complainant is prohibited and may be grounds for disciplinary action up to and including termination of employment. Retaliation against witnesses or others participating in the resolution of a complaint is also prohibited and may also be grounds for disciplinary action.

### **Confidentiality**

The Office of Diversity, Human Resources review of complaints is a confidential process because it involves personnel matters. The parties to the complaint are guaranteed confidentiality except as noted in this policy and as necessary to conduct a thorough and fair investigation of the complaint. All witnesses in a complaint investigation are guaranteed confidentiality. All documentation and reports received and/or developed as part of the report/complaint process, including investigative reports, are considered confidential unless otherwise noted in this policy.

### **Procedures**

#### **Initial Interview**

A report or complaint of illegal discrimination is initiated through an interview with the director or an assistant director, Office of Diversity, Human Resources. The complainant should bring information and/or documentation that will assist in

evaluating the complaint and in helping to determine whether the report process or filing an informal or formal complaint is the appropriate method for handling the concerns. The director will advise the complainant of the right to file a complaint with an external agency. The complainant will also be informed that filing with the Office of Diversity, Human Resources, will not extend or postpone the deadlines of the external agency.

The complainant will determine which method is used to resolve the concerns. The complainant may change an informal complaint to a formal one or a formal complaint to an informal one at any time during the Office of Diversity, Human Resources, review as long as the initial complaint was filed within 120 days (unless an extension is granted, as noted above) of the last act of alleged discrimination.

Time frames mentioned in the procedures may be extended for good cause, such as holidays or when classes are not in session, when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint, or with the consent of both parties to the complaint.

### **Filing a Report**

Filing a report is notification of concern about an individual's behavior believed to be discriminatory and will only result in an educational conference with the individual whose behavior is at issue. A report may be filed with an administrator with responsibility over the individual, Student Life (on the appropriate campus) if the alleged discriminator is a student, or the Office of Diversity, Human Resources. This process allows the report filer to remain anonymous if she or he chooses. If the report filer wishes to file a report and have no action taken, the report filer must sign a statement indicating that she or he is requesting that no action be taken.

Before an educational conference is scheduled with the individual whose behavior is at issue, an administrator must consult with the director, Office of Diversity, Human Resources. The conference shall include: alerting the individual to the perception of discrimination, providing a copy of the appropriate university policy prohibiting discrimination, encouraging attendance at the appropriate EO/AA workshop, and encouraging greater awareness of behaviors which may lead to perceptions of illegal discrimination. The conference must take place within 15 days of the receipt of the report.

### **Filing an Informal Complaint**

An informal complaint is based on information provided by the complainant and does not require a written statement. Within seven days of receipt of an informal complaint, the respondent will be notified of the name of the complainant and the allegations. The respondent will be asked to respond to the complaint within 15 days of notification of the complaint. This process involves reaching a voluntary resolution or a determination by the Office of Diversity, Human Resources that the evidence does or does not substantiate the allegations. The review of the complaint may

involve investigation, interviewing witnesses, and reviewing material provided by one or both parties to the complaint. Resolution of the complaint may be by settlement agreement developed in lieu of or as a result of an investigation. When the evidence substantiates a violation of university policy, discipline up to and including suspension, termination, or expulsion from the university may be imposed in addition to any voluntary agreements. When resolution of the complaint is reached or a determination made that the evidence does or does not substantiate the allegations, a letter to that effect may be sent to the complainant and the respondent, and filed in the Office of Diversity, Human Resources.

### **Filing a Formal Complaint**

A formal complaint requires submitting the ASU EO/AA Complaint Form to the Office of Diversity, Human Resources (see ACD 403A). A copy of the complaint will be provided to the respondent within seven days of receipt. A written response to the complaint is required of the respondent within 15 days of the respondent's receipt of the complaint. The review of this complaint will include an investigation, interviewing witnesses (as appropriate), and reviewing the material submitted by both parties.

The review of the complaint will result in an investigative report from the Office of Diversity, Human Resources to the executive vice president and provost of the university, vice president, or vice provost over the respondent within 90 days of the date the formal complaint was received by the Office of Diversity, Human Resources. The report shall identify the basis of the complaint, the evidence, and recommendations for resolution of the complaint. The report will be submitted to the Office of General Counsel for review prior to submission to the executive vice president and provost of the university, vice president, or vice provost. The executive vice president and provost of the university, vice president, or vice provost shall accept, reject, or modify the recommendations and will provide written notification of the action taken to the parties and the director, Office of Diversity, Human Resources within 15 days of receipt of the report.

### **Board on Equal Opportunity**

A complainant dissatisfied with the resolution from either the informal or formal complaint process may file a complaint with the Board on Equal Opportunity (BEO) on the same basis as the complaint filed with the Office of Diversity, Human Resources. The complaint must be filed within 30 days of the receipt of the letter from the Office of Diversity, Human Resources (informal complaint) or the executive vice president and provost of the university/vice president/vice provost (formal complaint). See ACD 404 for the procedures for filing complaints with the BEO.

During the time period reviewed, there were no formal or informal complaints of sexual harassment or sex discrimination. Similarly, none of the students, faculty, or administrators interviewed indicated they had been witness to, or subjected to sexual harassment or sex discrimination. One student who did not file a formal or informal complaint, indicated she was

not comfortable attending a conference with a particular faculty member, and that she brought this up to her advisor. The Graduate Electrical Engineering Department addressed her concern, and the student attended the conference without incident.

### **Finding**

The University is in compliance with Title IX with regards to Title IX grievance policies and procedures. It has established reasonable timelines for the investigation and resolution of Title IX complaints, and has also established a fair and impartial investigatory process. The Department noticed the grievance procedures do not identify Title IX, and they do not advise the students of their right to file a complaint with the Department of Education or the Department of Energy (or other federal agencies that provide Federal Financial Assistance).

### **Recommendations**

A statement of the University's sexual harassment and sex discrimination policies, procedures, and practices should be prominently and conspicuously posted on the University's webpage. The grievance procedures should also mention Title IX, and advise students of their right to file a complaint with the Department of Education or the Department of Energy (or other federal agencies that provide Federal Financial Assistance).

### **Promising Practice**

We find that ASU has a very well-developed and comprehensive set of grievance policies and procedures that could serve as a model to other educational institutions that receive Federal Financial Assistance.

## **V. Sexual Harassment and Sex Discrimination Policies**

Regulations implementing Title IX, at 10 C.F.R. Part 1042, require that institutions receiving financial assistance from the Department adopt policies against sex discrimination in their programs and activities. The regulations also require that grantees develop procedures that provide a mechanism for discovering sexual harassment and sex discrimination as early as possible, and for effectively correcting problems of sexual harassment and sex discrimination.

The University has an established policy against sexual harassment. It has developed a sexual harassment awareness program and has implemented regulations, procedures, and practices for discouraging sexual harassment and for processing complaints of sexual harassment.

The Graduate Electrical Engineering Department reported that there were no incidents of sexual harassment for the time period reviewed. The students interviewed said they had not observed or heard of any case of sexual harassment or gender bias within the Graduate Electrical Engineering Department.

ASU has a comprehensive sexual harassment policy and extensive complaint procedures, which the Graduate Electrical Engineering Department has adopted. The policy is easily accessible on the University's website, which can be found at: [www.asu.edu/aad/manuals/acd/acd402.html](http://www.asu.edu/aad/manuals/acd/acd402.html).

## **A. Sexual Harassment Policy**

The university prohibits sexual harassment by employees and students and will not tolerate sexual harassment that unlawfully interferes with an individual's work or educational performance or unlawfully creates an intimidating, hostile, or offensive working, learning, or residential environment.

Violations of this policy may result in disciplinary action up to and including termination for employees, and in sanctions including suspension or expulsion for students. Violations of this policy by persons who are not employees or students of the university are subject to sanction under the *Student Code of Conduct* or the Rules for the Maintenance of Public Order as they may be adopted and amended by the Arizona Board of Regents.

This policy is subject to constitutionally protected speech rights and principles of academic freedom. This policy shall be implemented and interpreted in accordance with the First Amendment Guidelines attached to the university's Campus Environment Team policy (available in the university Office of General Counsel and in the Office of Diversity, Human Resources. Questions about this policy may be directed to the Office of Diversity, Human Resources and the Student Life offices at Tempe campus, West campus, and Polytechnic campus.

### **Violations of Policy**

The following conduct shall constitute violation of this policy:

1. making sexual advances or requesting sexual favors if submission to or rejection of such conduct is the implicit or explicit basis for imposing or granting terms and conditions of employment or education at the university
2. making sexual advances, requesting sexual favors, or otherwise discriminating on the basis of gender in a manner that unlawfully creates an intimidating, hostile, or offensive working, residential, or educational environment at the university or that otherwise unlawfully interferes with an individual's work or educational performance
3. engaging in any sexual contact against a person who has not given consent or committing any act of sexual assault, public sexual indecency or sexual abuse against a person who has not given consent, if the act is committed on university property or in connection with any university-sponsored event or activity
4. acting, recommending action, or refusing to take action in a supervisory position in return for sexual favors, or as a reprisal against a person who has rejected, reported, filed a complaint regarding, or been the object of sexual harassment, or

5. disregarding, failing to investigate, or delaying investigation of allegations of sexual harassment to the extent that action, reporting, or investigation is appropriate or required by one's supervisory position.

### **Amorous Relationships**

In recognition of interests in privacy and free association, university policy does not prohibit fully consensual amorous relationships. Even an apparently consensual amorous relationship, however, may lead to sexual harassment or other breaches of professional obligations, particularly if one of the individuals in the relationship has a professional responsibility toward or is in a position of authority with respect to the other, such as in the context of instruction, advisement, or supervision. Due to the power difference, it may be difficult to avoid the appearance of favoritism or to assure a truly consensual relationship. Amorous relationships may result in conduct that amounts to sexual harassment or that violates the professional duties of even-handed treatment and maintenance of an atmosphere conducive to learning or working.

In light of these serious risks, every individual in a position of authority should take great care not to abuse that power in personal relationships. Specifically, if involved in an amorous relationship with someone over whom he or she has supervisory authority, the individual must remove himself or herself from any participation in recommendations or decisions affecting evaluation, employment conditions, instruction, or the academic status of the other person in the relationship, and must inform his or her immediate supervisor. The supervisor informed of the amorous relationship will issue a written statement for the department personnel file identifying the person(s) responsible for recommendations and/or decisions affecting evaluations, employment conditions, instruction, and/or academic status of the other person involved in the relationship.

### **Violations of Law**

Employees and students may be accountable for sexual harassment under applicable local, state, and federal law as well as under university and Arizona Board of Regents' policies. Disciplinary action by the university may proceed while criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

### **Harassment Prohibited**

Subject to the limiting provisions of the Freedom of Speech and Academic Freedom section below, it is a violation of university policy for any university employee or student to subject any person to harassment on university property or at a university-sponsored activity.

these policies and procedures on its website. The Department also recommends that the University specifically reference the Title IX regulations in its grievance policies and procedures, and that information regarding the rights of students to file a Title IX-related complaint with the U.S. Department of Education or the U.S. Department of Energy be included in the policies and procedures.

The Department finds that the University's sexual harassment policy complies with the provisions of Title IX and DOE Title IX implementing regulations. However, the Department recommends that the University devise meaningful ways to publicize: its sexual harassment policy; the names and contact information of the University offices where sexual harassment complaints can be filed; and a list of external agencies that are authorized to accept and to process sexual harassment complaints. The Department also recommends that the University offer formal sexual harassment training, and that it find ways to better publicize the availability of its online sexual harassment training.

The Department finds no evidence of a Title IX violation with respect to the procedures and practices for awarding recruiting incentives. However, the Department notes that while the Graduate Electrical Engineering Department uses a facially neutral policy and applies neutral criteria to the selection process, female graduate EE students are adversely impacted. Therefore, the Department recommends that the Graduate Electrical Engineering Department consider applying additional neutral criteria in the selection process for recruiting incentives.

The Department finds that the attrition rate for female PhD students is significantly higher than the attrition rate for male PhD students. Therefore, the Department recommends that the Graduate Electrical Engineering Department conduct a self-evaluation to determine why female PhD candidates withdraw at a greater rate from the EE program than male PhD candidates.

The Department has identified several promising practices of the University, including: (1) its on-line training program, aimed at educating individuals about its nondiscrimination policies and complaint procedures; (2) its adoption of well-developed and comprehensive grievance policies and procedures; and (3) its online sexual harassment training. The Department commends the University for implementing these programs and practices.